

provide of exceptional cases provision has also been made to exempt such cases. I commend the Bill for the acceptance of the House.

Mr. K. R. Viswambharan (*Ezhuvas-Talappalli*): I second it.

Motion put and carried

Secretary to the Council: The title of the Bill is the Cochin Hindu Law of Inheritance (Amendment) Bill.

Mr. T. V. Subramania Ayyar (*Nemmara*): I move that the Bill may be referred to a select committee consisting of the mover, and Messrs. T. A. Ramachandra Ayyar, T. S. Ramachandra Ayyar, N. Govinda Pai and the Advocate-General.

Mr. M. Sivarama Menon (*Advocate-General*): Sir, I oppose the motion for reference to a select committee on the ground that this is only a short Bill which is exactly on the lines of the British Indian Act of 1929. If the House is of opinion that public opinion is to be elicited, it may be circulated for public opinion. The Bill is similar to the Act passed in British India. I do not think that any useful purpose will be served by a reference to a select committee. The subject matter of this Bill has been engaging the attention of Government and it was decided to leave the initiation of the necessary legislation in this behalf to the non-official side of the House. Now that this Bill is introduced Government have issued orders that the Bill may be supported by Government.

Mr. T. V. Subramania Ayyar (*Nemmara*): I would like to see that a Bill of mine becomes law very early. The Government position was not made clear at first. I do not want a select committee then.

Mr. A. V. Moothedan (*Chalakkudi*): There are 3 Bills. I may be allowed to move them all together.

Mr. A. Madhava Prabhu (*Diwan Peishkar*): They are entirely different.

The Cochin Agriculturists' Relief Act (Amendment) Bill No. 1.

Mr. A. V. Moothedan (*Chalakkudi*): Sir, I move that the Cochin Agriculturist's Relief Act (Amendment) Bill No. 1 be read in Council.

Mr. K. M. Ibrahim (*Cranganur*): I second it.

Mr. A. V. Moothedan (*Chalakkudi*): Before I enter into the principles of the Bill, which I have just now introduced, I wish to

refer briefly to the history of the legislation in Cochin State on agricultural relief. Soon after the Indian National Congress accepted the administration of the Madras Province they passed the Madras Agriculturists' Relief Act, to give relief to agriculturists. By that Bill the principal and the rate of interest has been reduced and the whole liability has been very much lessened. That was the time when the Madras Agriculturists' Relief Act was passed. Then 2 non-official members of this House Mr. M. K. Devassy and myself introduced 2 Bills (1) the Agriculturists Relief Bill and (2) the Debtors Relief Bill. Both these were referred to a select committee and the committee was taking evidence. At that time the public thought that an elaborate enquiry will mean delay and it will be detrimental to the public. They wanted the Government to issue a proclamation at once and there was an Agriculturist's Conference at Ernakulam and a deputation waited on the Diwan and the Diwan agreed to introduce a Bill in 1114 Karkadagam. Government introduced the Agriculturists Relief Bill. That Bill was passed by this Council though several of the non-official members were not in their heart of hearts supporting several provisions of the Bill; but on account of the exigencies of the situation we were forced to pass that measure. The amendments to the Bill covered 10 or 12 pages. But they were not moved and the Government Bill became law. That is the Cochin Agriculturists' Relief Act. After that, in Travancore, quite recently the Debt Relief Act was passed. It is good to examine briefly the provisions of that Act also. That Act is much in advance of our Act. In the matter of instalment payments, the Travancore Government has given very liberal concessions. It is provided that the debtor will be given 9 years' time and that he has to pay 80 per cent of the decree debt, that if the debts are discharged in 6 years he need pay only 75 per cent and if in 2 years only 70 per cent. The future interest is 4 per cent in the case of money debts and 6 per cent in the case of paddy debts. There is an important provision. For those who are unable to pay their debts there is the provision for the settlement of their debts through the civil court. Then the debtor will be given one-fourth of the property subject to a maximum of Rs. 3,000 for his maintenance and he can walk off. In fact, that was the suggestion contained in my Bill of 1114. I am glad that the Travancore Government copied it. Therefore, that provision which our Government refused to accept in their conservatism has been accepted by the Travancore Government which is more conservative. In the light of these legislations in Madras and Travancore, let us examine the principal provisions of our Act. What is the relief given by our Act? A person who has plenty of properties and a small debt will be benefited. For example a person who has properties worth Rs. 10,000

and debt to the extent of 2,000 will be relieved. But what about the person whose properties come to Rs. 10,000 and whose debts amount to 8 or 9,000 rupees? Most of the debtors here are insolvent debtors. Therefore, most of the debtors are not getting any relief. It is unanimously accepted that our reliefs are meagre and to add to it the Revenue Department is not co-operating. Under the Agriculturists Relief Act, a tenant is entitled to deposit the money value of the *pattam* according to the Gazette rate. But the Gazette rates are always higher than the real market rates. I know of a case of the Cheranellur Sthanam where in the original document of *kanam* the commutation rate was fixed at 8 annas on 23rd Karkadagam 1115, but the market rate published in the Gazette on the same date was 9 annas. So the tenants have to pay at the rate of 9 annas.

Mr. A. Madhava Prabhu (*Diwan Peishkar*): We are collecting the rates from the market. We have nothing to do with the Cheranellur Sthanam.

Mr. A. V. Moothedan (*Chalakkudi*): The rates are wrong. Can you prove that they are correct?

Mr. A. Madhava Prabhu (*Diwan Peishkar*): When it comes to the question of proofs they will be proved.

Mr. A. V. Moothedan (*Chalakkudi*): What is the benefit of the Act to the agriculturists? The definition of "Agriculturist" is so narrow that very many people who deserve to be helped, do not become agriculturists. 95% of the people in the Municipality will not be agriculturists on account of house-property restriction. In Travancore there is no provision like this.

Panel Chairman: Is there any provision in the present Bill for the definition of "Agriculturist"?

Mr. A. V. Moothedan (*Chalakkudi*): I want to make the Act more beneficial to agriculturists.

Panel Chairman: I request the hon'ble member to explain the provisions of the present Bill.

Mr. A. V. Moothedan (*Chalakkudi*): Now I come to the general provisions of the Bill. These provisions are not new to the House. They were all contained in the Bill which was introduced in Vrischigam 1114 and referred to the select committee. The principle has been accepted then, and so it cannot be opposed now. The main principle of that Bill is that in the case of debtors who were unable to pay cash, the creditors will be compelled to take properties. That was the suggestion made by the Ernakulam

Bar Association also. We have got a scheme here. The debtor can apply to the civil court. The civil court will make enquiries and after that the debtor will be given one-fourth of the property and he can go and lead a carefree life. He can bathe and sleep. There is another provision also by which the debtors are given some time for payment. If a debtor deposits in a court $6\frac{1}{4}$ per cent at the time of sale, the sale will be adjourned, and he will be given 6 months' time. Now, some courts adjourn sales and some do not. There must be a general law. If $6\frac{1}{4}$ per cent is deposited the sale should be adjourned. 3 years before, Mr. Achyuta Menon raised some objections that the debtor may commit waste on the property. If the court is satisfied first that the debtor is not making any waste and secondly if he is not in a position to pay the whole sum and he deposits $6\frac{1}{4}$ per cent, then the sale will be adjourned for 6 months. I think it is very fair. Nobody is going to be injured. These are the two main features of this Bill and I have explained them in brief. I would request the House to sympathetically consider the provisions of the Bill.

Mr. M. Sivarama Menon (*Advocate-General*): Government oppose this Bill. This Bill seeks to repeal the Law of Insolvency so far as agriculturist debtors are concerned. The Insolvency Act does not affect the secured creditors, unless they exercise the option of surrendering their security in favour of all the creditors and volunteer to share in the rateable distribution of dividends. This Bill seeks to compel secured creditors to forego their rights to enforce the mortgage or charge and relinquish all claims for a realisation of their full debt. They are asked to accept one half of their debt and leave off the balance in favour of the debtor. The mover began by saying that it is not possible in many cases for agriculturists to find money in cash for payment of their debts and that therefore the creditors must be compelled to accept property for cash. But, in making provision for that, clause 22(h) states: "If the assets of a debtor are not sufficient to pay his creditors in full, the court shall set apart to the debtor for his maintenance properties to the extent of one-fourth or Rs. 5,000, whichever is less, after setting apart to the creditors properties which are sufficient to satisfy half the amounts due to each secured debtor". This is the main operative provision of the first phase of the Bill. If the assets are not sufficient, the court shall set apart for the maintenance of the debtor one-fourth of the properties or 5,000 rupees, whichever is less, after setting apart to the secured creditors properties sufficient to satisfy half the amounts due to them. And what about the unsecured creditors? They are kept in the lurch. How does this scheme of settlement reconcile itself with the laws of priority among mortgage debts? This Bill seeks, therefore, to unsettle the provisions

relating to priority of mortgages also. This Bill is so unjust that Government are not in a position to support it. The Agriculturists' Relief Act which has conferred substantial benefits to the agriculturists has already been passed into law. It has wiped out a good portion of the debts of the agriculturists. It is a peculiar feature of that Act that those who have paid their debts in good faith and in all honesty gain nothing. It is the worst defaulter that has the largest relief. All arrears of *pattam* and *michavaram* prior to 1107 have been wiped out. Then, with regard to *michavaram* subsequent to 1107, it has been reduced to $\frac{1}{3}$ and the *pattam* by half. An easy instalment system has been introduced and interest after 1107 has been scaled down to 6 per cent. So far as *michavaram* is concerned, all interests have been wiped off. This Bill is being pressed after the Agriculturists' Relief Act has become law. Even violent disturbance and unsettlement of the law of debtor and creditor must have a method and a temporary halt. Government introduced an amendment to the Insolvency Act to the effect that if a debtor is able to give a dividend of 8 annas in the rupee, then a sum of Rs. 2,500 should be set apart for his maintenance out of the remaining assets. It is, therefore, too much to expect the Government to be a party to a legislation by which creditors are again to be told: "you cannot enjoy what has already been reduced, you must go without anything whatsoever". The value of agricultural produce has gone up. Paddy which was sold at 5 as. 4 ps. is now worth about 9 as. Prices of other articles also are showing an upward tendency. Under section 52 of the Civil Procedure Code the house and the site on which the house stands are not even now attachable or saleable. Another provision in the Bill is that as soon as $6\frac{1}{4}$ per cent of the decree-debt is deposited, the court must adjourn the sale for six months. But under section 28 (b), "if after the expiry of 6 years from the date of the first adjournment granted under section 28 (a) the debtor or the person interested in the property has not discharged the entire decree-debt, the court may refuse to grant any further time for the payment of balance amount due under the decree". Is it not a virtual moratorium for 6 long years and does not this provision repeal the sections relating to instalment payments?

Mr. A. V. Moothedan (*Chalakkudi*): This $6\frac{1}{4}$ per cent is to be deposited immediately. In some cases he may deposit more.

Mr. M. Sivarama Menon (*Advocate-General*): Under section 28 (a) he has to deposit only $6\frac{1}{4}$ per cent and the whole balance can be deposited after 6 years. Already the instalment

system has been introduced under the Agriculturists' Relief Act and that is sought to be undone by this Bill. It is not just or proper to compare the Cochin Agriculturists' Relief Act with the Debt Relief Act that has been passed in Travancore. The Travancore Act expressly saves from its operation *michavaram*, *pattam* and other dues payable by agriculturists to the landlord while the tenants under the Cochin Act get considerable benefits. The scheme of both the Acts is entirely different. It is not an agriculturists' Relief Act that has been enacted in Travancore. It is a Non-agriculturists' Relief Act in the sense that *jemmikaram*, *michavaram* or *pattam* due from agriculturist are not cut down by that Act though his other debts can be scaled down. Even a millionaire debtor gets relief under the Travancore Act, but in Cochin the Act aims only at giving succour to the really poor, needy agriculturist who has been unable to pay his dues to the landlord by the fall in prices of agricultural produce. An agriculturist, who pays a tax of more than Rs. 1000 or is in receipt of an income of more than Rs. 900 per annum from any source other than agriculture, gets no benefit under the Cochin Act. The Travancore Act is fundamentally different in these and other respects from the Cochin Act. When all the dues from a tenant will be collected in Travancore, we have wiped off those arrears till 1107. So far as recovery of debts through courts are concerned, we are able to recover in a much shorter time than in Travancore, so that the provision in Travancore is due to the particular circumstances obtaining there. It is therefore not proper to compare the Travancore Act with the Cochin Act which latter is limited in scope and benefits only the poor hard-working tiller of the soil. The hon'ble member says that the Travancore Act is better than ours. It may be so with regard to non-agriculturists.

Mr. T. V. Subramania Ayyar (*Nemmara*): What about the Madras Act?

Mr. M. Sivarama Menon (*Advocate-General*): We have had discussion about that Act when the Agriculturists' Relief Bill was discussed. It will be out of place for me to enter into that discussion now. I thought that it will be useful for this House if I showed the difference between the Travancore and Cochin Acts, when the hon'ble mover cited the former Act in support of his arguments.

Mr. T. V. Subramania Ayyar (*Nemmara*): Suppose you are going to be convinced that our Act is not better?

Mr. M. Sivarama Menon (*Advocate-General*): That is a problematical question.

Mr. T. V. Subramania Ayyar (*Nemmara*): Supposing you are convinced that that Act is superior, are you going to follow it?

Mr. M. Sivarama Menon (*Advocate-General*): That is not the question in issue now. Now this Council after having passed a piece of legislation conferring several benefits on the tenants, are we to disturb it so soon without any justification by way of an after crisis? It is not a possible proposition. It will upset the whole financial strata of society. We must have practicable propositions. The Travancore Act furnishes no ground for a change.

Mr. M. K. Devassy (*Adur*): We are willing to depend upon the Madras Act.

Mr. M. Sivarama Menon (*Advocate-General*): I only say that this Bill is quite unacceptable to the Government. This House accepted the Agricultural Relief Act when the Madras Act was already in full force. This proves beyond doubt that conditions in Cochin are different. There may be persons who are beyond any redemption. If a person wants to pay off his debts and has got an intention of paying, and is able to pay, of course, the Cochin Agriculturists Relief Act has conferred large benefits upon him. Government have to keep in mind the rights, duties and obligations of creditors also. The world must be safe for them also. Government therefore cannot subscribe to such extreme views as are contained in this Bill. For these reasons, Government feel entirely unable to support this motion, and Government oppose the motion for this Bill to be read in Council.

***Mr. C. R. Iyyunni** (*Trichur-South*): I am constrained to state that I cannot agree with the provisions contained in this Bill. One of the main points that has arisen in this Bill is this, that the debtors' properties should be given to the creditors to satisfy their debts. Certainly, if such a course is possible without doing any injury to the creditors, it will be certainly good. The real difficulty does not lie there. The real difficulty lies in knowing whether the creditor gets a warranty of title. Suppose some of the documents connected with the property are deposited with a banker or for the matter of that with a creditor and if that property is set apart to the share of one of the creditors, what will be his condition? What is it that he will get? Will the court guarantee a title to the property that has been set apart to the share of the creditors? If such a thing is not possible for the court to do, then, certainly it is not proper that we should compel the creditor to take the property in

*Speech not corrected by the hon'ble member

lieu of cash. If, as a matter of fact, he gets property with warranty of title, then, one might say he may be compelled to take the property in lieu of cash. Is such a thing possible under the present circumstances? Now, section 22 G says: "After determining the issues under section 22 F the court shall prepare a scheme setting apart to each creditor properties which, in the opinion of the Court, are sufficient to satisfy his debts, or make any other settlement just and convenient." How is such a thing possible? Normally, in the case of sale, what you find is if the creditor or the decree-holder wants to purchase the property, he can bid it. The court will not compel him to purchase the property. They will go and bid the property. When, by a regulation, we compel a creditor to take property, certainly, there must be warranty of title. Otherwise, it will not be proper for us to compel the creditor to take the property in lieu of cash.

Mr. Puthur Achyuta Menon (Kattur): That is an argument advanced by the Diwan.

Mr. C. R. Iyyunni (Trichur-South): I am a man like Diwan. If things will appeal to him I do not see any reason why it should not appeal to me. (*Laughter.*)

So far as the matter is concerned, there is absolutely no objection. Nobody guarantees the title of the property that is set apart to the share of the creditor. That is the point.

Mr. M. K. Devassy (Adur): If that is done, will you be satisfied?

Mr. C. R. Iyyunni (Trichur-South): Certainly, I will be satisfied as far as that matter is concerned.

Section 22 G says "properties which in the opinion of the court are sufficient to satisfy his debts, etc." So relief is granted to the person who has got plenty of properties so that he may give to the creditors.

Under section 22 H, "If the assets of a debtor are not sufficient to pay his creditors, then relief is granted to such a debtor". If a debtor has sufficient property so that he may clear off the debt not by payment of cash but by giving property, then absolutely no relief is given. Certainly, I cannot understand how such a contingency has happened in this case.

Mr. M. K. Devassy (Adur): He must put an application under this Bill, that is to say whether he wants relief.

Mr. C. R. Iyyunni (Trichur-South): How can you compel him to put an application? The debtor who has got plenty of

property but no cash—what is the relief that is granted to him? He puts in a petition under this Bill. Is there any provision here? I would like to be enlightened by the mover in regard to that matter.

Mr. A. V. Moothedan (*Chalakkudi*): The property is sufficient to satisfy the debt. The balance will go to the debtor.

Panel Chairman: The hon'ble member may continue his speech.

Mr. C. R. Iyyunni (*Trichur-South*): Section 22 G simply says that if a debtor has got plenty of properties with which he will be in a position to clear off all the debts due to the creditors, then, he will not be entitled to any relief.

Section 22 H says that if a debtor is not in a position to pay all the debts, certainly there is provision that such relief will be granted to him. What is the relief? It is not stated here. One-fourth of what? This is how the section reads; "If the assets of a debtor are not sufficient to pay his creditors in full, the Court shall set apart to the debtor for his maintenance properties to the extent of one-fourth or Rs. 5,000 whichever is less after setting apart to the creditors' properties which are sufficient to satisfy half the amounts due to each secured creditor." Is it after deducting the property's worth half the amount of the secured creditor or is it of the total properties? It is not stated. It is not clear. I cannot understand. These are the two positions. Either all the assets should be taken into consideration and one-fourth of the properties set apart to the share of the debtor, or out of the properties, properties sufficient to satisfy half the amount due to the secured creditors may be taken away and from the rest one-fourth may be set apart. This is not clear from the section.

Mr. K. R. Viswambharan (*Ezhuvas-Talappalli*): That can be made clear.

Mr. C. R. Iyyunni (*Trichur-South*): I am simply stating what is contained here. Then, with regard to the other matter, let us read the section. "The balance available of the properties after effecting the division contained in sub-section A shall be distributed among the creditors equitably regard being had to the following circumstances. . . . "Now properties sufficient to satisfy half the amount due to the secured creditors are set apart to various secured creditors; of course, it is stated that the secured creditors will have some sort of property. And what is the property that is set apart for the simple creditor? Will he get any property whatsoever? I can certainly

understand if half the properties is set apart and the rest left to be distributed among the various creditors. If so, that may be something. Now, so far as the simple creditors are concerned, they cannot get a single pie.

Mr. A. V. Moothedan (Chalukudi): Why? There are assets.

Mr. C. R. Iyyunni (Trichur-South): The point is that special preference is given to the secured creditors. Whether the debtors are secured or unsecured, why should there be that distinction? Suppose the debtor is in a position to pay eight annas in the rupee. Why does the provision say that he need pay only one anna in the rupee? "May deposit in court 6½ per cent of the decretal amount then due and apply for time to pay the balance amount"—that is what is stated in the section.

What I beg to submit is that the various provisions contained here, even though they seek to give some advantage to the debtors, do not at all take into consideration the case of the creditors. Certainly, the creditors are also entitled to get what is due to them even though it is not the full amount at least the amount that will be considered to be reasonable and which will be more or less according to the dictates of natural reason. I do not mean to say that a debtor, if he is not in a position to pay the full amount in cash, should pay cash. Certainly the properties may be divided among the various creditors. Secured creditors must be paid first. Simple creditors must get certainly a percentage of the amount *viz.* 4 annas or 8 annas in the rupee. Certainly, under such circumstances, some consideration should be shown to the debtor who is unable to pay his debts in full. Therefore, I beg to submit that I cannot subscribe to the view that has been brought forward by Mr. Moothedan, the Hon'ble Member for Chalakkudi.

മിസ്റ്റർ കെ. എം. ഇബ്രാഹിം: മിസ്റ്റർ പ്രസിഡണ്ട് സാർ, ബഹുമാനപ്പെട്ട ചാലക്കുടി മെമ്പർ ഇവിടെ അവതരിപ്പിച്ചിരിക്കുന്ന ബില്ലിനോടു് ഞാൻ ധാർദ്ദ്ര്യമായി ചു.ന്റെ ആനുകൂല്യത്തെ രേഖപ്പെടുത്തിക്കൊള്ളുന്നു. ബഹുമാനപ്പെട്ട നിയമമെമ്പർ അവർകൾ ഇതിനെതിരായി പറഞ്ഞ ന്യായങ്ങളാൽ എന്റെ വോട്ട് അദ്ദേഹത്തിന് നമ്പാദിക്കാൻ സാധിച്ചിട്ടില്ലെന്ന് തുറന്നു പറയാതെ നിഷ്ക്കത്തിയില്ല. കൊച്ചിയിൽ ഇതയിടെ പാസ്സായി നിയമമായി വന്നിരിക്കുന്ന മ.മ.മ.ഓ.ല കറൻസി കാര്യം ആക്ട് കൊച്ചി രാജ്യത്തിലെ ജനബാധിതരായ കർഷകർക്കു ചെയ്യേണ്ട സംരക്ഷണയുടെ അവ

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മിസ്റ്റർ ടി. വി. സുബ്രഹ്മണ്യയ്യർ: എന്തിനാണ് പേടിച്ചത്?

മിസ്റ്റർ കെ. എം. ഇബ്രാഹിം: സർ, ഗവണ്മെന്റ് കൺകൺസറേഷൻ നൽകാൻ സാധിച്ചിട്ടുണ്ടെങ്കിലും ചെമ്പിട്ടുള്ള അനുബന്ധങ്ങളെ വിശദീകരിക്കാൻ സാധിച്ചിട്ടില്ല. മഹാരാജാവ് തിരുമനസ്സിലെ ഗവണ്മെന്റ്, അദ്ദേഹത്തിന്റെ കീഴിൽ പൊതുജനാഭിപ്രായത്തെ മാനിക്കണമെന്ന ആഗ്രഹത്തോടുകൂടി പ്രവൃത്തിച്ചുകൊണ്ടിരിക്കുന്ന ഉദ്യോഗസ്ഥലോകവും ഈ കാഴ്ചത്തിൽ കൊച്ചിയിലെ കൺകലോകത്തിനു ചെമ്പിട്ടുള്ള പ്രവർത്തനങ്ങളെ വിശദീകരിക്കാൻ അത്ര കൃതാലുനല്ല ഞാൻ എന്ന പറയുന്നതോടുകൂടി, ജനങ്ങളിൽ തിരഞ്ഞെടുക്കപ്പെട്ട പ്രതിനിധികളുടെ അഭിപ്രായങ്ങൾക്കു കുറച്ചുകൂടി പ്രാമാണ്യവും, കുറച്ചുകൂടി വിലയും, കുറച്ചുകൂടി വിശ്വാസവും കൊടുത്തുകൊണ്ട് ഇതിനേക്കാൾ വലിയ ഒരു കാഷികനിയമംകൊണ്ട് കൊച്ചിയെ അനുഗ്രഹിക്കുവാൻ സന്നദ്ധസ്ഥ് വേണ്ടത്ര അവകാശമായിരുന്നില്ലെന്ന സങ്കടവും അതോടൊപ്പം പ്രകാശിപ്പിക്കാതെ തരമില്ല. അതുകൊണ്ട് ൧൧൧൫-ൽ കാഷികാശ്വാസ ആക്ട്

സ്റ്റായിയെന്നു പറഞ്ഞുകൊണ്ട്, അതിന്റെ പ്രവർത്തനങ്ങളിൽ ഓരോ ദേശം കാണുമ്പോൾ അതിനെ പരിഹരിക്കുന്നതിനായി ഓരോ ദേശാതികൾ കൊണ്ടുവരുമ്പോൾ “മ.മ.മ.മ.-ലെ കർഷകാശ്വാസം”, “മ.മ.മ.മ.-ലെ കർഷകാശ്വാസം” എന്ന് എല്ലാ ലോകം വിളിച്ചാൽ ജനങ്ങളുടെ സങ്കടത്തിന് അത് ഒരു സമാധാനമാകയില്ലെന്നാണ് ഞാൻ ബഹുമാനപ്പെട്ട ഈ നിയമസഭയോടു പറയുന്നത് (ചിരി).

പിന്നെ എനിക്ക് പറയാനുള്ളത് കൃഷിക്കാരിൽ ഭൂരിപക്ഷക്കാരും, അവരുടെ സ്വത്തിൽ പ്രധാനഭാഗവും, അവരുടെ സ്വത്തിന്റെ മുഴുവൻ ഭാഗവും, അവരുടെ സ്വത്തിനേക്കാൾ കൂടുതലായും കടത്തിലായിട്ടു വിഷമിക്കുമ്പോൾ ആ ഭൂരിപക്ഷക്കാരെ സംരക്ഷിക്കാനുള്ള നിയമത്തെപ്പറ്റി ആലോചിച്ചാൽ ഫലമെന്തു എന്നുള്ള നിയമമെന്തെന്നു വാദം തുഷ്ടമായ ഒരു വാദമാണെന്നാണ്. ഇപ്പോഴത്തെ നിയമത്തിന് ഈ രാജ്യത്തിലെ കടക്കാരായ ഭൂരിപക്ഷം കർഷകന്മാർ അവരുടെ കടത്തിന് ഒരാശ്വാസപരിപാടിയെന്ന ചേരിനു അർഹ്യമുണ്ടെന്നു ഞാൻ ചോദിക്കുന്നു. ഈ നിയമം ഭൂരിപക്ഷക്കാരായ കർഷകന്മാർ ഒരു സമാശ്വാസമുണ്ടാക്കുന്നില്ലെങ്കിൽ, അവർക്കുവേണ്ടിയുള്ള ഒരു നിയമമാണ് ഇതെന്നുള്ള വാദത്തിന് ഞങ്ങൾ അങ്ങിനെയാണ് സ്വീകരിക്കുകയോ കോടിക്കേണ്ടത്? കർഷകരിൽ ഭൂരിപക്ഷത്തിന്റെ സംരക്ഷണത്തിന് കൊച്ചി ഗവണ്മെന്റ് ഒന്നും ചെയ്യുകയില്ലെന്നും അവരെല്ലാം തുലഞ്ഞുകൊള്ളട്ടെയെന്നും പറഞ്ഞാൽ അതിനു സുബോധമുള്ള ഒരു വാദമെന്നു പേർ പറയാമോ എന്നു ഞാൻ ചോദിക്കുന്നു.

സ്ഥിതിഗതികൾ ഇന്ന് ലോകത്തിന്റെ ചുറ്റുപാടിൽ അനിശ്ചിതവും അസ്ഥിരവും, സംശയസ്ഥാനത്തു് ഇളകിക്കൊണ്ടിരിക്കുന്നതും ആയ ഒരു വസ്തുതയാണ്. വാസ്തവത്തിൽ സൗകൃത്യം, സമാധാനശീലതും, ആസ്വാസ്ഥ്യമുണ്ടാക്കാത്തവരുമായ ജനസമുദായക്കാരാൽ നിറഞ്ഞ രാജ്യങ്ങളായി വരുന്തോറും ഇന്നത്തെ അനിശ്ചിതാവസ്ഥക്കും, സമാധാനക്കേടിനും ശക്തികൂടേത്ത വരികയുള്ളൂ. മഹാരാജാവു തിരുമനസ്സിലെ പ്രജകളിൽ പ്രധാനവിഭാഗമായ കർഷകലോകത്തിന് സമാധാനവും, ആശ്വാസവും വരുത്തുന്നതിന് കരളുടി വിശാലമായ ഒരു നിയമം കൊണ്ട് ഈ രാജ്യത്തെ സംരക്ഷിക്കാത്തപക്ഷം, ഇന്ന് പൊതുവിൽ ഉണ്ടായിക്കൊണ്ടിരിക്കുന്ന അസ്വാസ്ഥ്യത്തിനും, സമാധാനക്കേടിനും, അനിശ്ചിതാവസ്ഥക്കും അത് ഒരു കൂടുതൽ പങ്കുനൽകുന്നതും നമ്മുടെ ഭാവിയിലെ കരളുടി ഭയാനകമാക്കിത്തീർക്കുന്നതുമാണെന്ന് മാത്രമാണ് ഞാൻ പറയുന്നത്. സൗകൃത്യം രാജഭക്തരുമായ പ്രജകൾ നാട്ടിൽ വളിച്ചുകൊണ്ടിരിക്കേണ്ടതായ ഈയവസരത്തിൽ, സൗകൃത്യമായ പ്രജകളെ വളിപ്പിക്കുന്നതിനുവേണ്ടി ശ്രീമാൻ മുത്തടൻ അവർകൾ കൊണ്ടുവന്നിരിക്കുന്ന ഈ സംരക്ഷണബില്ലിനെ നാം സ്വീകരിക്കണം. അതിനു സാങ്കേതികങ്ങളായ പല തടസ്സങ്ങളുമുണ്ടെങ്കിൽ അവയെ സെലക്ട് കമ്മറിക്കുമാകാം. കാലാനുസൃതങ്ങളായ പരിഷ്കാരങ്ങൾ വരുത്തി സാമ്പത്തികമായ നിരവധി വിഷമങ്ങളാൽ വിമിഷ്ടപ്പെടുന്ന കർഷകർ രക്ഷ നൽകണമെന്നു മാത്രമാണ് ഞാൻ ഈ ബഹുമാനപ്പെട്ട നിയമസഭയെ ഉണർത്തിച്ചുകൊള്ളുന്നത്.

Mr. M. K. Devassy (Adur): Sir, I rise to support the Bill. I must congratulate the Hon'ble Member for Chalakkudi for having introduced this Bill especially for the purpose of convincing this House and the Government that the Agriculturists' Relief Bill passed

in this House last time is not the final word on the solution of the problem of agricultural indebtedness. We all know the history of the Bill and the circumstances that led to that Bill taking a particular shape. Whether out of fear or out of wisdom or out of a compromise this House felt that the only method of dealing with a Government which does not concede full responsibility is to take what they grant and fight for more afterwards. So, this Bill has achieved at least that purpose of informing the Government that our agitation for the cause of agriculturists has not in any way been put a stop to by the passing of the Agriculturists' Relief Bill. I perfectly agree with the Advocate-General when he says the Travancore Bill is not superior to ours. Government have simply to ignore it. Whether there is a Bill in Travancore or in some other place need not be our consideration. The issue before this House is whether the claims put forward before this House are justified and deserve consideration. A very important issue was raised by Mr. Iyyunni. It is with a view to answer that issue that I rise, namely the warranty of title.

In fact this Bill is probably the result of a long discussion of the deputationists before the Diwan on the eve of the passing of the Agriculturists' Relief Bill. The question was very seriously considered and discussed at length.

The question of warranty of title is really a very important one; but it is not impossible of solution. When we compel the creditor to take a particular item of property, it is certainly necessary that the court should give him a warranty of title. But there are methods to give such warranty of title without the court directly taking up the responsibility. There might be cases where a property that is given to the creditor might have been mortgaged to another and that mortgage might not have been produced before the court, and if after that property is transferred to the creditor the mortgagee confronts the creditor, certainly it is a very perplexing question. What are you doing in the case of Land Mortgage Banks? The Land Mortgage Bank is taking certain mortgaged properties. What are you doing there? You are publishing in the Gazette. It is in the interest of those people who have any particular interest in these properties, the moment they see the publication, to go and inform the Government that they hold some right. If they fail to do so the Government assumes that their title to that property has been forfeited. So that in cases where it is impossible for the court to ascertain the title from the details of the petition with regard to particular items of property the usual method to be adopted by the court is to publish the same in the Gazette and, if necessary, in the papers. It is the duty of those people who hold any particular interests in

such items to go and present the case before the court and if they fail to do so, they should necessarily undergo the penalty of forfeiting that interest in the property. So that I think my friend Mr. Iyyunni will be perfectly satisfied if the Government will take up this position of giving warranty of title on fulfilling their prerequisites. What Mr. Iyyunni wants is that the creditor should get a warranty of title and what the Government should consider is that there should be a proper method of ascertaining that warranty of title.

Then there has been considerable misunderstanding with regard to the principle underlying this Bill. It would appear from the speeches of some that the principle underlying this Bill is to defeat the creditors or to favour the secured creditors and defeat the unsecured creditors. Certainly not. This Bill, as I understand it, has two important principles. One principle is that the debtors should be assisted by the Court to compel the creditor to take property in lieu of cash. What is the real problem, what is the real cause of the indebtedness of the agriculturists today? I can say for certain that an agriculturist who had properties worth to the extent of Rs. 10,000 a few years ago will not be in a position today to clear at least a debt of Rs. 2,000 not because he has any properties, but because there are no persons to purchase those properties and the creditors refuse to take those properties. One of the main principles on which this Bill is based is that if the properties of the agriculturists are sufficient to pay the creditors, the creditors instead of driving the debtor to the position of insolvency, should be prepared to take up the properties for the money due to them. The other principle is that the court, having done this, should also give some sort of maintenance allowance to the agriculturists. I think that having due regard to the social system that is evolved from time immemorial and as a result of the several vicissitudes in fortunes which it is impossible to trace or impossible to justify, it should be the fundamental concern on the part of the Government to see that there is nobody in Cochin State who cannot eke out his living here; if it is not possible for the Government to do it today, if it is not possible to do it by one act of legislature, I say it should at least be the ultimate goal of the State. This is to be achieved not by one act of legislature, not by a revolutionary step either by the Government or by the people, but by slow degrees, by legislations which are systematic and successive. Whether you call it Socialism, whether you call it Bolshevism or National Socialism, I think it is the primary duty of the State to see that the people depending upon the State for the security of their life should be at least in a position to live. Viewing this Bill from that angle of vision, I would think that it is a primary condition which Government should concede that

the agriculturists should be given a maintenance allowance, whether $6\frac{1}{4}\%$ of the whole property or $\frac{1}{4}$ of the whole after giving secured or unsecured creditors—it is a matter of detail. Therefore, I submit that with due deference to the arguments that have been advanced here both for and against the Bill, those main principles of the Bill deserve consideration of the House. If defects there are they are worthy of being considered by the Select Committee and they should not prompt this House to reject the principles of this Bill at this stage.

The House rose for the day at 5 p.m.

C. J. MATHEW

Secretary to the Council